

SENATE BILL 1001

P4

2lr3088

By: **Senator Muse**

Introduced and read first time: February 17, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Grievances – Inclusion of Disputes about Counseling**
3 **Memoranda**

4 FOR the purpose of altering the definition of “grievance”, for purposes of provisions of
5 law governing grievance procedures for certain employees in the State
6 Personnel Management System, to include a dispute about a counseling
7 memorandum issued to a certain State employee; repealing a provision of law
8 that prohibits a certain State employee from taking certain action in response to
9 a counseling memorandum; making a stylistic change; and generally relating to
10 counseling memoranda and grievance procedures in the State Personnel
11 Management System.

12 BY repealing and reenacting, without amendments,
13 Article – State Personnel and Pensions
14 Section 11–102 and 12–102(a)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 11–107(a) and 12–101
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – State Personnel and Pensions**

25 11–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 This subtitle applies to all employees in the State Personnel Management
2 System within the Executive Branch except temporary employees.

3 11–107.

4 (a) (1) Issuing a counseling memorandum is an instructional
5 communication and is not a disciplinary action within the meaning of this subtitle.

6 (2) (I) Within 5 days after receiving a counseling memorandum, an
7 employee may submit to the employee’s appointing authority a written response to the
8 memorandum.

9 (II) The response shall be placed in the employee’s file and
10 attached to any record of the memorandum.

11 [(3) An employee may not take any other action in response to a
12 counseling memorandum.]

13 12–101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Employer” means one or more of the following:

16 (1) an employee’s appointing authority;

17 (2) an employee’s principal unit; or

18 (3) the Department of Budget and Management.

19 (c) (1) “Grievance” means a dispute between an employee and the
20 employee’s employer about the interpretation of and application to the employee of:

21 (i) a personnel policy or regulation adopted by the Secretary; or

22 (ii) any other policy or regulation over which management has
23 control.

24 (2) **“GRIEVANCE” INCLUDES A DISPUTE ABOUT A COUNSELING**
25 **MEMORANDUM ISSUED UNDER § 11–107(A) OF THIS ARTICLE.**

26 [(2)] (3) “Grievance” does not include a dispute about:

27 (i) a pay grade or range for a class;

28 (ii) the amount or the effective date of a statewide pay increase;

- 1 (iii) the establishment of a class;
- 2 (iv) the assignment of a class to a service category;
- 3 (v) the establishment of classification standards;
- 4 (vi) a mid-year performance appraisal; or
- 5 (vii) an oral reprimand or counseling.

6 12-102.

7 (a) Except as otherwise provided by law, this title applies to all employees in
8 the State Personnel Management System within the Executive Branch.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.